



As the accreditor mounts its comeback bid, it's also been getting some help from the Trump administration, according to emails obtained by POLITICO under the Freedom of Information Act. | Getty

## Inside a for-profit college accreditor's bid for new life

By **MICHAEL STRATFORD** | 03/01/2018 05:02 AM EST

The Education Department is poised to decide the fate of a controversial accreditor of for-profit colleges.

Department officials have begun mulling whether to reinstate the federal powers of the Accrediting Council for Independent Colleges and Schools, which the Obama administration terminated in 2016, accusing the organization of approving too many troubled for-profit schools.

But as the accreditor mounts its comeback bid, it's also been getting some help from the Trump administration, according to emails obtained by POLITICO under the Freedom of Information Act.

Department officials, for instance, last year rescheduled a meeting of the federal accreditation panel to accommodate ACICS, the emails show. And the department also offered advice to the accreditor on how to prevent some of its application materials from becoming public.

The help comes as ACICS is racing up against a June deadline by which the dozens of for-profit schools that relied on its stamp of approval, and haven't won approval from another accreditor, will lose their access to federal funding.

Last summer, Lynn Mahaffie, a senior career department official, wrote to Trump political appointees at the agency that staffers had "done some brainstorming" about ways for the department to decide on ACICS before the June deadline, which is set in law.

"We could move the June NACIQI meeting up to May 21-23, 2018 which would provide sufficient time for the [senior department official] to make a decision before June 13th," Mahaffie wrote, referring to the National Advisory Committee on Institutional Quality and Integrity. The federal panel meets twice a year to make recommendations on college accreditors.

"This would be a difficult (compressed) timeline" for department staffers, Mahaffie wrote of the plan, but added that "it is doable."

Robert Eitel, a top adviser to Education Secretary Betsy DeVos and a former for-profit college executive, responded: "ACICS is interested in this model (file by October 1 with a May hearing)."

Education Department spokeswoman Liz Hill defended the department's move to quickly consider ACICS' application to help some of the 10,000 students who she said attend "one of the many remaining schools accredited by ACICS."

"These students will have their educational programs and their lives interrupted if their schools have not found a new accreditor by June," she added. "That's why it's important to give ACICS the opportunity to submit a new application that can be promptly considered."

ACICS announced in September that it planned to formally ask the Education Department to reinstate its federal recognition, citing changes it made to bolster its standards and procedures for evaluating schools. Internal emails indicate that ACICS filed its application Sept. 30.

In the weeks before ACICS made its application, the Office of General Counsel made a "recommendation" to the accreditor on how it could avoid having those application materials be made public, according to the emails.

Elizabeth Daggett, a career official working on accreditation issues, wrote to ACICS that the Office of General Counsel had recommended that "ACICS provide correspondence in

conjunction with the petition to note any documents or exhibits that ACICS would consider privileged or sensitive in response to a FOIA request received by the Department.

“The Department will use that document, along with the Department’s own requirements, in responding to any FOIAs,” she added.

ACICS President Michelle Edwards wrote in response that “we will gladly include correspondence with regard to any documents or exhibits we consider privileged or sensitive.”

Terminating the federal recognition of ACICS was one of the Obama administration’s most sweeping and drastic actions against the for-profit education industry.

But it also remains one of the few Obama-era actions on for-profit colleges that the Trump administration didn’t quickly move to undo.

Even as it accedes to industry demands to roll back other parts of the Obama for-profit college crackdown, the Trump administration has continued to defend the termination of ACICS in court.

One of the internal department emails references “settlement negotiations” between the Education Department and ACICS. But those negotiations don’t appear to have gone anywhere.

The accretor’s lawsuit that seeks to reverse the Obama-era termination decision remains pending before a federal judge. The judge declined ACICS’ initial efforts last year to obtain an immediate order blocking its termination, and he has also allowed a group of Democratic attorneys general to intervene in the case against ACICS.

At the same time, the Trump administration has already taken some steps to undo restrictions on the schools that relied on ACICS approval.

After it terminated ACICS, the Obama Education Department outlined escalating restrictions that it would impose on the for-profit schools. The goal, Obama officials said, was to prevent for-profit schools from collapsing suddenly and to create incentives for the schools to make progress on obtaining accreditation elsewhere.

But for-profit schools have complained that those restrictions were unfair and burdensome, especially as some accreditors received an influx of new applications they couldn’t process quickly.

The Trump administration initially relaxed some of those restrictions last fall, POLITICO reported in August. Department officials have further eased off many of the requirements, the emails show.

Regardless of the fate of ACICS, many schools are also now looking beyond the Trump administration for relief.

For-profit colleges are lobbying Congress for a reprieve from the June deadline, and they're looking at attaching a rider to any fiscal 2018 omnibus spending bill that lawmakers pass to fund the government beyond March 23.

Senate appropriators last fall approved an Education Department spending bill, S. 1771 (115), that would give the schools another 18 months to find a new accreditor. But it wouldn't bail out ACICS itself, as the schools would be required to seek new accreditation elsewhere in order to receive the 18-month extension.

The provision was part of a bipartisan funding bill. But some Democrats, including Sen. Elizabeth Warren (D-Mass.), have opposed efforts to grant such a reprieve, arguing the colleges that still haven't found a new accreditor in the past year and a half represent "the bottom of the barrel."

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